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April 22, 2019

BY EMAIL

Honorable Jed S. Rakoff
U.S. District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Cesar Altieri Sayoc
18 Cr. 820 (JSR)

USDC SDNY
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Dear Judge Rakoff:

The defense respectfully submits this letter in response to the Court's April 18, 2019 correspondence regarding ordering a psychological evaluation and treatment of Mr. Sayoc. The defense requests that the Court not order a psychological evaluation at this time for the reasons set forth below. With respect to treatment, we have been in touch with the MCC's legal department and at this time we do not believe it is necessary for the Court to order treatment in order for Mr. Sayoc to receive treatment at the MCC.

The defense has had Mr. Sayoc psychologically evaluated and we anticipate submitting two written reports in connection with his sentencing: one report by a clinical psychiatrist generally evaluating Mr. Sayoc and another report by a psychiatrist with specialized knowledge regarding the effects of steroid use to address how Mr. Sayoc's extensive steroid use likely affected his mental health. We believe that these two reports will provide the Court with ample information about Mr. Sayoc's mental health.

In addition, for logistical reasons, the defense requests that the Court not order the Bureau of Prisons to conduct a psychological evaluation of Mr. Sayoc. As we understand, if the Court orders the Bureau of Prisons to conduct a forensic psychological evaluation of Mr. Sayoc, the Court can recommend—but not control—where the evaluation will take place. Any order for an evaluation is routed through

the BOP's Grand Prairie designation center and could be assigned to any one of the BOP's forensic study sites. It is therefore possible that Mr. Sayoc would be moved to a different, out-of-state BOP facility for the evaluation. We understand that the BOP will try to accommodate any recommendation that Mr. Sayoc remain at the MCC, but it is not guaranteed and this may delay when the evaluation takes place. In addition, the time the BOP takes to conduct an evaluation might also delay Mr. Sayoc's scheduled sentencing. For these reasons, we ask the Court not to order the BOP to conduct a forensic psychological evaluation.

Respectfully submitted,

/s/
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cc: United States Attorney's Office, SDNY